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| EXAMINER |
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MADAMBA, GLENFORD J

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PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/730,508

Filing Date: December 8, 2003

Appellant(s): Robert Curran, Radha Kandadai, Irit Loy, John Marberg

Lawrence D. Cutter (28,501)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 18, 2008 appealing from the Office action mailed February 20, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|--------------------|-------|---------|
| US 2004/0249904 A1 | MOORE | 12-2004 |
| US 2006/0165223 A1 | DUGAN | 07-2006 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4 and 9-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore et al (hereinafter Moore), U.S. Patent Publication US 2004/0249904 A1.

As per Claims 1, 19 and 20, Moore discloses a method of managing data movement, comprising:

establishing a processing environment in a cluster of nodes having common access to data residing in one or more data storage units [Abstract] [Figs. 2 & 6];

initiating a data management application (DM) in said environment (e.g. DMAPI) [0008];

assigning a node of said cluster as a coordinating node for managing data movement (e.g. electing a “leader” node, token server node 50 / metadata server node 22b) [Figs. 5-7];

receiving an event by the coordinating node requesting movement of data (e.g. “DMAPI events”) [0008] [0074-0077];

posting a worker thread to one or more of the nodes to perform data movement in response to the event (e.g., RPC thread) [0103-0105] [0117-0118].

Claims 19 and 20 recite the same limitations as claim 1, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claim 2, Moore discloses the method of claim 1, wherein said worker threads are posted to one or more nodes other than said coordinating node to perform data movement tasks [0047] (e.g., RPC thread) [0103-0105] [0117-0118].

As per Claim 3, Moore discloses the method of claim 1, wherein said coordinating node is a session node (i.e, telnet session) [Fig. 2] [0123].

As per Claim 4, Moore discloses the method of claim 1, further comprising providing data management access rights to the one or more nodes to which said worker

threads are posted, and permitting only the one or more nodes having said data management access rights to execute said worker threads (e.g. Coordination of cluster file system, such as CXFS, providing file system access and control) [0047-0048].

As per Claim 9, Moore discloses the method of claim 1, wherein said DM application utilizes one or more parallel file systems for management of data (e.g., CXFS cluster file system) [0047-0048].

As per Claim 10, Moore discloses the method of claim 9, wherein each parallel file system further comprises one or more physical file systems (e.g., CXFS cluster file system) [0047-0048].

As per Claim 11, Moore discloses the method of claim 10, wherein said worker threads include calls for performing at least one of punching holes in files, moving data into files and moving data out of files (e.g. create, lookup, read, write) [0049].

As per Claim 12, Moore discloses the method of claim 9, wherein said DM application is initiated using a data management application programming interface (DMAPI) (e.g. DMAPI_ 90) [Fig. 6].

As per Claim 13, Moore discloses the method of claim 1, wherein said DM

application is initiated using a data management application programming interface (DMAPI) (DMAPI) (e.g. DMAPI_ 90) [Fig. 6].

As per Claim 14, Moore discloses the method of claim 1, wherein said processing environment includes a storage area network (SAN) including said one or more data storage units [Abstract] [Figs. 2 & 6].

As per Claim 15, Moore discloses the method of claim 12, wherein said processing environment includes a storage area network (SAN) including said one or more data storage units [Abstract] [Figs. 2 & 6].

As per Claim 16, Moore discloses the method of claim 14, wherein said worker threads perform data movement within a hierarchical storage management (HSM) system (e.g. HSM) [0008].

As per Claim 17, Moore discloses the method of claim 1, further comprising reassigning a worker thread to another node upon failure of the node to which the worker thread is dispatched (Cluster High Availability) [0079-0081].

As per Claim 17, Moore discloses the method of claim 1, further comprising assigning another coordinating node upon failure of the coordinating node (Cluster

High Availability) [0079-0081] (i.e., “mirror master” node) [0083].

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (hereinafter Moore), U.S. Patent Publication US 2004/0249904 A1 in view of Dugan et al (hereinafter Dugan), U.S. Patent Publication US 2006/0165223 A1.

As per Claim 5, Moore in view of Dugan discloses the method of claim 1, further comprising establishing a process session in said cluster and assigning a *session identifier* for that session.

While Moore discloses substantial features of the invention such as the method of claim 1, he does not explicitly disclose the added feature of the method of claim 1, further comprising establishing a process session in said cluster and assigning a *session identifier* for that session. The feature is disclosed by Dugan in a related endeavor.

Dugan discloses as his invention a resource management system for an intelligent communications network having one or more distributed service nodes, each service node for providing services relating to an event received at a network resource associated with a service node [Abstract]. In particular, Dugan discloses the additional recited feature of the method further comprising establishing a process session in said cluster and assigning a *session identifier* for that session (e.g. managing threads based on “session ids”) [0088].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Moore's invention with the above added feature, as disclosed by Dugan, for the motivation of providing a method of managing communications service resources at nodes in an intelligent network designed to perform event processing services for any type of 'event' (e.g., telephone call, received at a resource complex or switching platform associated with nodes of an intelligent Distributed Network (also known as Next Generation Intelligent Network or "NGIN") [0002] [0023].

As per Claim 6, Moore in view of Dugan discloses the method of claim 5, further comprising providing said session identifier to said one or more nodes to which said worker threads are posted, and permitting only the one or more nodes having said session identifier to execute said worker thread [Abstract].

While Moore discloses substantial features of the invention such as the method of claim 5, he does not explicitly disclose the added feature of the method further comprising providing said session identifier to said one or more nodes to which said worker threads are posted, and permitting only the one or more nodes having said session identifier to execute said worker thread. The feature is disclosed by Dugan in a related endeavor.

Dugan discloses as his invention a resource management system for an intelligent communications network having one or more distributed service nodes, each service node for providing services relating to an event received at a network resource associated with a service node [Abstract]. In particular, Dugan discloses the additional recited feature of the method further comprising providing said session identifier to said one or more nodes to which said worker threads are posted, and permitting only the one or more nodes having said session identifier to execute said worker thread [Abstract].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Moore's invention with the above added feature, as disclosed by Dugan, for the motivation of providing a method of managing communications service resources at nodes in an intelligent network designed to perform event processing services for any type of 'event' (e.g., telephone call, received at a resource complex or switching platform associated with nodes of an intelligent Distributed Network (also known as Next Generation Intelligent Network or "NGIN") [0002] [0023].

As per Claim 7, Moore in view of Dugan discloses the method of claim 5, wherein said DM application establishes said session and assigns said session identifier (e.g. managing threads based on "session ids") [0088].

While Moore discloses substantial features of the invention such as the method of claim 5, he does not explicitly disclose the added feature of the method wherein said DM application establishes said session and assigns said session identifier (e.g. managing threads based on “session ids”) [0088]. The feature is disclosed by Dugan in a related endeavor.

Dugan discloses as his invention a resource management system for an intelligent communications network having one or more distributed service nodes, each service node for providing services relating to an event received at a network resource associated with a service node [Abstract]. In particular, Dugan discloses the additional recited feature of the method wherein said DM application establishes said session and assigns said session identifier (e.g. managing threads based on “session ids”) [0088].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Moore’s invention with the above added feature, as disclosed by Dugan, for the motivation of providing a method of managing communications service resources at nodes in an intelligent network designed to perform event processing services for any type of ‘event’ (e.g., telephone call, received at a resource complex or switching platform associated with nodes of an intelligent Distributed Network (also known as Next Generation Intelligent Network or “NGIN”) [0002] [0023].

As per Claim 8, Moore in view of Dugan discloses the method of claim 5, wherein a plurality of sessions are established in said cluster concurrently and each session is

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assigned a unique session identifier (e.g. managing threads based on “session ids”) [0088].

While Moore discloses substantial features of the invention such as the method of claim 5, he does not explicitly disclose the added feature of the method wherein a plurality of sessions are established in said cluster concurrently and each session is assigned a unique session identifier. The feature is disclosed by Dugan in a related endeavor.

Dugan discloses as his invention a resource management system for an intelligent communications network having one or more distributed service nodes, each service node for providing services relating to an event received at a network resource associated with a service node [Abstract]. In particular, Dugan discloses the additional recited feature of the method wherein a plurality of sessions are established in said cluster concurrently and each session is assigned a unique session identifier (e.g. managing threads based on “session ids”) [0088].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Moore’s invention with the above added feature, as disclosed by Dugan, for the motivation of providing a method of managing communications service resources at nodes in an intelligent network designed to perform event processing services for any type of ‘event’ (e.g., telephone call, received at a resource complex or switching platform associated with nodes of an intelligent Distributed Network (also known as Next Generation Intelligent Network or “NGIN”) [0002] [0023].

(10) Response to Argument

Insufficiency of Affidavit filed

The affidavit filed on November 26, 2007 under 37 CFR 1.131 has been fully considered by the Office but is deemed ineffective to overcome the Moore prior art reference. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Moore reference, according to the MPEP under § 1.131 Affidavit or Declaration of prior invention:

2(b) the showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence must be satisfactorily explained.

In this case, Applicant has officially filed and 'declared' their *reduction to practice* of the invention prior to the effective date of the Moore prior art reference (April 16, 2003), by providing an exhibit (affidavit) attesting to the act of performing 'code writing and testing' for carrying out the recited steps of the claimed invention prior to the subject date, and including therewith signed testimony by all of the inventors. However, Applicant has not provided the required supporting documentation (e.g., original exhibits

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of drawing or records) to establish the allegation of prior reduction to practice of the invention as complete and valid or 'sufficient' to overcome the rejection under the Moore prior art reference, as required by the MPEP. Further, even if Applicant were to furnish such evidentiary documentation, Applicant is also required to disclose where in the disclosures of the documentation the claimed invention is generally disclosed.

Applicant is thus noncompliant with the above requirements for establishing a proper reduction to practice of the invention. Applicant has failed to comply with the provision of adequate and evidentiary documentation to support the assertion of reduction to practice by the inventors, and Applicant has also not established and/or verified where in the supporting documentation, if any, the claimed invention is generally disclosed.

Consequently, for the reasons noted above, Applicant's claim to reduction to practice of the invention prior to the subject date of the Moore prior art reference is thus considered 'insufficient' to overcome the application of the prior art in rejecting Applicant's claimed invention. Applicant's official request for the removal of the cited patent application (Moore) in rejecting any of Applicant's claims is thus denied.

Claims 1-4 and 9-20

With regards to the claims, and claim 1 in particular, Applicant firstly argues that the Moore prior art reference applied by the Office in rejecting the claim fails to disclose particular features of the claim which recites:

A method of managing data movement, comprising:

- establishing a processing environment in a cluster of nodes having common access to data residing in one or more data storage units;
- initiating a data management application (DM) in said environment;
- assigning a node of said cluster as a coordinating node for managing data movement;
- receiving an event by the coordinating node requesting movement of data;
- posting a worker thread to one or more of the nodes to perform data movement in response to the event.

Specifically, Applicant argues that Moore does not particularly teach or disclose the recited features of

- a) “establishing a processing environment in a cluster of nodes...”
- b) “initiating a data management application...”
- c) “assigning a node of said cluster as a coordinating node...”
- D) “posting a worker thread...”

as outlined by Applicant in Table I of the appeal brief arguments (page 8). With respect to the above limitations of the claim, Applicant is of the position that the portions of Moore cited by the Office do not particularly teach or disclose these recited features. The Office respectfully disagrees and submits that Applicant has misinterpreted the disclosures of Moore and/or not fully considered *all* the teachings of the prior art reference. The Office also asserts and maintains that all of the features of the claim

features argued by Applicant are taught by the prior art reference consistent with the language and current claim recitation.

Firstly, and in support of his argument that Moore does not teach the recited feature of “establishing a processing environment in a cluster of nodes...”, Applicant remarks and notes as a ‘reason for difference’ that “Moore divides as their processing environment into a system with only client and server nodes, and that no such required a dichotomy present in applicants claimed method. Applicant also notes that with regard to Applicant’s recitation of a ‘session node’, “the recitation is of something that is different from either a client node, a server node, or a meta data node.” The Office respectfully disagrees.

In response to the arguments, the Office remarks and asserts that with regards to the argued and recited claim feature of “*establishing a processing environment in a cluster of nodes* having common access to data residing in one or more data storage units”, Moore’s express disclosure of “a cluster of computer system nodes, connected by a Storage Area Network (SAN), and including two classes of nodes (a ‘first class’ comprising of nodes acting as client or servers, and a ‘second class’ comprising of nodes acting as clients only) appropriately and sufficiently discloses the above recited claim limitations. As can be seen from the above disclosure by Moore, the argued feature of “establishing a processing environment in a cluster of nodes (e.g., “cluster of computer system nodes”) having common access to data residing in one or more data

storage units" (e.g., Storage Area Network), is expressly and plainly disclosed, as required the claim language and/or recitation.

Even while Applicant notes as a 'reason for difference' the argument that "Moore divides as their processing environment into a system with only client and server nodes, and that no such required a dichotomy present in applicants claimed method, the Office notes there is nothing in the language of the recited claim limitation to preclude such a teaching or disclosure, and Moore's disclosure fo "a *cluster of computer system nodes*, connected by a Storage Area Network (SAN).. " is thus 'appropriate' and 'consistent' with the requirements of the current claim language. Moreover, and with respect to Applicant's additional argument that Applicant's recitation of a 'session node', is a "recitation is of something that is different from either a client node, a server node, or a meta data node", the Office remarks and points out with emphasis that Applicant's reference to the supposedly recited feature of a "session node" is *nowhere* to be found in the recitation of claim 1, and Moore's teachings and disclosures are thus in accordance with the current language of the claim requirements.

Secondly, and in support of his argument that Moore does not teach the recited feature of "initiating a data management application...", Applicant remarks and notes as a 'reason for difference' that "the only relevance to be found within Moore is that "it also refers to the *Data Application Migration Application Programming Interface (DMAPI)*. Moreover it is noted that in the cited patent application there is only a reference to distinct events and does not in any way refer to a 'single event being processed in a

parallel fashion'. In contrast, it is seen that applicants claimed invention "looks below" the event processing request level. The Office respectfully disagrees.

In response to the arguments, and with respect to the argued and recited claim feature of "initiating a data management application (DM) in said environment", the Office asserts that both Moore and Applicant are disclosing the above recited feature of "initiating a data management application (Moore: e.g., User Application 92) [Fig. 6] in said environment" by utilizing DMAPI, as described by Applicant's own specification [0011] and claim [Claim 12, pg. 6], respectively. Additionally, and with a respect to Applicant's argument that in Moore "there is only a reference to 'distinct events' and does not in any way refer to a 'single event being processed in a parallel fashion', and that "in contrast, it is seen that applicants claimed invention 'looks below' the event processing request level", the Office again remarks and points out with emphasis that Applicant's references to 'distinct events' and/or a 'single event being processed in a parallel fashion' are *nowhere* to be found in the particular argued limitation of claim 1. In fact, the only feature that is particularly recited is that of an 'event' (not 'distinct events' and/or 'single event being processed in a parallel fashion') and this is not recited until the fourth limitation ("receiving an *event* by the coordinating node requesting movement of data"). Contrary to Applicant's arguments, Moore's teachings and disclosures, as cited by the Office, are thus in accordance with the current language of the claim requirements.

Thirdly, and in support of his argument that Moore does not teach the recited feature of “assigning a node of said cluster as a *coordinating node*...”, Applicant remarks and notes as a ‘reason for difference’ that “the cited patent application does not in any way appreciate the concept of a coordinating node as that term is used in Applicant’s specification and claims. The Office respectfully disagrees.

In response to the argument, and with respect to the argued and recited claim feature of “assigning a node of said cluster as a *coordinating node* for managing data movement”, the Office notes with emphasis that the claim recitation requires at most that a node belonging to a cluster system be designated or ‘assigned’ as a managing or ‘coordinating’ node for the cluster system. In this regard, the Office remarks that Moore expressly discloses the following, *inter alia*:

a) that “the first step in initiation (or recovery) of a cluster is to determine the ‘membership’ and ‘roles’ of the nodes in the cluster...” [0090]

b) that “if there is an existing “leader” (leader node) for the cluster, the request(s) will be sent to the node in the *leader state 206*. If there is no existing ‘leader’, conventional techniques are used to elect a leader and that node transitions to the *leader state 206*. For example, a ‘leader’ may be selected that has been a member of the cluster for the longest period of time and is capable of being a metadata server.” [0091]

c) that “the node in the leader state 206 (leader node) sends out *messages* to all of the other nodes that it has identified and requests information from each of these

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nodes about the nodes to which they are connected. Upon receipt of these messages, nodes in the nascent state 204 and stable state 208 transition to the *follower state 210...*” [0092]

Accordingly, based on the above teachings by Moore, it is clear that the argued and recited feature of “assigning a node of said cluster as a *coordinating node*” is appropriately disclosed and sufficiently met by Moore with respect to the requirements of the claim limitation.

Fourth, and in support of his argument that Moore does not teach the recited feature of “receiving an *event* by the coordinating node...”, Applicant remarks and notes as a ‘reason for difference’ that the cited patent application only discloses that “the possible ‘DMAPI events’ are READ, WRITE, and TRUNCATE” and that this is not properly discloses the said claim limitation. The Office respectfully disagrees.

In response to the argument, and with respect to the argued and recited claim feature of “receiving an *event* by the coordinating node...”, the Office notes with emphasis that the claim recitation requires at most that a ‘coordinating node’ receive ‘an event’ (e.g., DMAPI event) for ‘data movement’. In this regard, the Office points out Applicant’s own description and meaning of ‘*data movement*’, which basically “means that data has to be processed, stored and retrieved....Consequently data needs to be organized in a manner that makes such processing, retrieval and storage manageable

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[0005]. For example, data 'can be stored' in a storage unit residing permanently in a storage unit (e.g. SAN) residing permanently in the system, or may reside in more temporary storage units such as a 'tape drive' or other *secondary storage* (e.g., disk)."

[0004]. Given the above, the Office particularly points out that Moore expressly discloses the following, *inter alia*:

[0075] As illustrated in FIG. 7, next the DMAPI event mask is checked to determine 124 whether a DMAPI event is set, (i.e., to determine whether the file to be accessed is under hierarchical storage management). If so, another lookup 126 of the metadata server is performed as in step 102 so that a 'message' can be sent 128 to the metadata server informing the metadata server 22b (Leader Node) of the 'operation' to be performed. When server node 22b receives 130 the message, metadata server 48 sends 132 notification of the DMAPI event to DMAPI 90 (FIG. 6). The DMAPI event is queued 136 and subsequently 'processed' 138 by DMAPI 90 and HSM 88.

[0076] The possible DMAPI events are READ, WRITE and TRUNCATE. When a read event is queued, the DMAPI server informs the HSM software to ensure that data is available on disks. If necessary, the file requested to be read is 'transferred' from tape to disk. If a write event is set, the HSM software is informed that the tape copy will need to be replaced or updated with the contents written to disk. Similarly, if a truncate event is set, the appropriate change in file size is performed, e.g., by writing the file to disk, adjusting the file size and copying to tape.

[0077] Upon completion of the DMAPI event, a reply is forwarded 140 by metadata server 50 to client node 22a which receives 142 the reply and user application 92 performs 146 input/output operations. Upon completion of those operations, the DMAPI token is released 148.

Accordingly, based on the above teachings by Moore, it is clear that the argued and recited feature of "receiving an *event* by the coordinating node..." is appropriately

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disclosed and sufficiently met by Moore with respect to the requirements of the claim limitation.

Lastly, and in support of his argument that Moore does not teach the recited feature of “*posting a worker thread to one or more of the nodes to perform data movement in response to the event*”, Applicant remarks and notes as a ‘reason for difference’ that “this aspect of Applicants' claim is nowhere taught, disclosed or even remotely suggested by the cited application (Moore)”. According to Applicant, “the posting of worker threads to one or more nodes clearly ‘indicates’ that *the event processing for data migration has the capability of being carried out in a parallel fashion*, a clear vantage over the art which lacks this capability. The Office respectfully disagrees.

In response to the arguments and with respect to the argued and recited claim feature of “posting a worker thread...”, the Office asserts that Moore expressly and properly discloses the argued claim feature. For example, Moore expressly discloses that

“An RPC (remote processing call) is a ‘thread’ initiated on a node (e.g., Follower node) in response to a message from another node (e.g., Leader / Coordinating Node, such as metadata server 22b) to act as a proxy for the requesting node [0103]”.

The argued feature of “*posting a worker thread (e.g., thread) to one or more of the nodes* (Follower Node(s)) to perform ‘data movement’ in response to an event (e.g., DMAPI event)” is thus properly disclosed and sufficiently taught by Moore. Additionally, with respect to Applicant’s argument that “the posting of worker threads to one or more nodes clearly ‘indicates’ that *the event processing for data migration has the capability of being carried out in a parallel fashion*”, the Office again remarks and points out with emphasis that Applicant’s references to ‘indications’ and/or a ‘a capability of carrying out event processing in a parallel fashion’ are nowhere to be found in the particular argued limitation of claim 1. The claim recitation merely requires that the method further comprise “posting (assigning / initiating) a worker thread (e.g., ‘thread’) to one or more of the nodes (e.g., Follower node(s)) to perform data movement (e.g. process, store, retrieve data) in response to the event (e.g., DMAPI event)”, which is expressly taught and disclosed by Moore, in accordance with the current language of the claim. The Office further remarks that Moore additionally and expressly discloses, for example, that in one embodiment “client only” nodes are implemented by a “single-threaded process” [0120].

Accordingly, based on the above teachings by Moore, it is clear that the argued and recited feature of “posting a worker thread...” is appropriately disclosed and sufficiently met by Moore with respect to the requirements of the claim limitation.

Claims 5-8

With regards to Claims 5-8, since it has been found that Applicant's affidavit is found to be 'insufficient', the rejection of the claims in view of the Dugan prior art reference is thus accordingly upheld and/or maintained by the Office in so much as it is deemed proper prior art.

The Office also remarks that each of the dependent claims depend from their parent independent claim and inherit all of the features of their respective parent claim. Since it has been established previously that the base claim 1 features are disclosed by the prior art reference(s) used in the rejection of the claims, the rejection of the dependent claims are accordingly maintained at least for the same reasons provided above for claim 1, the base claim being unpatentable over the Moore prior art reference.

Nonetheless, with respect to the claims, Applicant additionally argues that even while both Moore and Dugan expressly discloses the recited feature of a "session", and Moore expressly discloses use of a "session identifier", the Dugan's concept of a "session" is taken from the network world rather than the data management world and that they simply mean different things.'

The Office respectfully disagrees. In this regard, the Office remarks that Applicant himself notes that "a session is a specific DMAPI concept defined in the

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standard". Since Moore discloses both DMAPI event processing as well as RPC or 'threads', 'session' as disclosed by Moore can only be interpreted to broadly mean the same concept as defined in the DMAPI standard as noted by Applicant, and is thus inherent in the invention of Moore.

Moreover, the concept of the term 'session' as recited by the claims is also inherent to Dugan, as evidenced by reference to Barnhouse (U.S. 6,418,461), whose teachings and disclosures are "incorporated by reference" by Dugan. In this regard, Barnhouse teaches in part:

The service control class 252 is the base class for all service function objects. The session manager class 280 encapsulates the session-related information and activities. A session may comprise one or more calls or other invocations of network functions. The session manager class 280 provides a unique identifier for each session. If call processing is taking place in a nodal fashion, then billing information must be collated. A unique identifier for each call makes collation easy, instead of requiring costly correlation processing. In service processing, protocols are wrapped by successive layers of abstraction. Eventually, the protocol is sufficiently abstracted to warrant the allocation / instantiation of a session manager (e.g., in SS7, the receipt of an IAM message would warrant having session management).

[Barnhouse: col 14, L32-45]

Accordingly, the rejection of the claims is thus maintained by the Office.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, having shown that Moore and/or Dugan expressly teaches and discloses all the recited features of independent Claim 1, as well as the features of the corresponding dependent claims which they are depending, the Office firmly asserts that the rejection of the claimed invention in view of Perkins should be sustained.

Respectfully submitted,

Glenford Madamba
July 30, 2008
/John Follansbee/
Supervisory Patent Examiner, Art Unit 2151

Conferees:

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Application/Control Number: 10/730,508

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